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09/754,454	01/04/2001	Joseph P. Quinn	JPQ-101	3633

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EXAMINER

NGUYEN, TAI T

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 01/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/754,454

Applicant(s)  
Joseph P. Quinn

Examiner  
Tai Nguyen

Art Unit  
2632



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Oct 29, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19, and 20 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19, and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 9-10, 12 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmitt et al. (US 5,910,782).

**Regarding claim 1**, Schmitt et al. disclose an on-board vehicle parking space finder service system including all subject matters as follows:

at least one object detector (16, figure 1);

at least one processor (26) in communication with the at least one object detector (16) and receiving space occupancy information therefrom, wherein said at least one processor (26) is also in communication with a data distribution network (25, figure 1); and

a database accessible by said processor (26) wherein said database includes a list of space identifiers associated with corresponding space occupancy information (figure 1; col. 2, lines 22-63).

**Regarding claims 2-3**, Schmitt et al. disclose the system further comprising means (32) for geographically displaying space occupancy data incorporates at least one electronic map

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database (51, 52) such that space occupancy data is displayed at a map position indicative of said space location (figures 1 and 5; col. 4, line 65 through col. 5, line 8).

**Regarding claim 4**, Schmitt et al. disclose the at least one detector is an ultrasonic metal sensor capable of detecting the presence or absence of an automobile in a parking space (figure 1; col. 2, lines 41-46).

**Regarding claim 9**, refer to claim 1 above, Schmitt et al. disclose all of the limitations as claimed shows in Figure 1; col. 2, line 21-67 and col. 3, lines 1-54).

**Regarding claim 10**, Schmitt et al. disclose the network is a publicly accessible network (25, as shown in Figure 1).

**Regarding claim 12**, Schmitt et al. disclose the at least one vehicle detector is disposed in a parking mater (15, as shown in Figure 1).

**Regarding claim 16**, Schmitt et al. disclose the at least one vehicle detector is an ultrasonic metal detector (figure 1; col. 2, lines 41-46).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitt et al. in view of Yoo et al. (US 6,107,942).

**Regarding claim 5**, Schmitt et al. discloses the instant claimed invention except for: the at least one object detector is a machine vision system. Yoo et al. teach a camera (23) for detecting the presence or absence of automobile in a parking spaces (figure 3; col. 3, lines 1-23). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to utilize the camera as taught by Yoo et al. into the system as disclose by Schmitt et al. because it does the same function of detecting presence or absence of an automobile parking or leaving the parking spaces in order to generate an occupant or vacant signal to the database.

5. Claims 6-8, 11, 13-15 and 17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitt et al.

**Regarding claims 6-7**, since Schmitt et al. disclose the at least one processor is a general purpose computer system (26) that is programmed to maintain said database with all of the state information for the parking meters in a given area, wherein the parking meters are configured to send ID information instead of location information, the database may be organized such that reference is made to the different parking meters by their respective IDs (figure 1; col. 2, lines 47-63). It would have been obvious to a person having ordinary skill in the art that the computer (26) maintains the database and periodically update said database by reading space occupancy

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data and corresponding space identifiers from the at least one object detector and writing the space occupancy data and corresponding space identifiers to the database in order to verify which parking meters are vacant or occupant.

**Regarding claim 8**, Schmitt et al. disclose the data distribution network in the form of a central site (25) that is used to receive a change data message (20) from the parking meter (15) and transmit a parking space availability message (40) to a parking requested vehicle (30, as shown in Figure 1). It would have been obvious to a person having ordinary skill in the art that the Internet can be used instead the central site (25) to enable the computer (26) and an on-board computer (31) communicates to each other for exchanging information about the parking availability.

**Regarding claim 11**, refer to claim 8 above.

**Regarding claims 13-15**, since Schmitt et al. disclose the at least one communication link is RF transmission (figure 1). It would have been obvious to a person having ordinary skill in the art that other communication links can be used for communication between two locations in order to transmit and receiving a data package to one and the other.

**Regarding claims 17 and 19-20**, the claimed method steps would have been inherent in the product structure.

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***Response to Argument***

6. Applicant's arguments filed 10/29/2002 have been fully considered but they are not persuasive.

Applicant's arguments:

a. Applicant argues that Schmitt does not disclose "a space vacancy notification system ... in communication with the data distribution network."

b. Applicant argues that the elements (25, 26) fail to anticipate the use a "data distribution network" as claimed. Schmitt fails to show the network element providing accessibility by home computers, hand-held computers, cell phones, etc.

c. Applicant argues that Schmitt does not disclose a publicly accessible network.

d. Applicant argues that Schmitt does not teach at least one processor in communication with the object detector and receiving space occupancy information therefrom, wherein the at least one processor is also in communication with a data distribution network.

Response to Arguments:

In response to Attorney Remarks, all of the limitations have been addressed in the action record,

a. Schmitt et al. disclose the space vacancy notification system being in communication with a data distribution network (col. 4, lines 49-64).

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b. Applicant has not claimed, nor has examiner considered, the network element providing accessibility by home computers, hand-held computers, cell phones, etc.

c. Schmitt et al. disclose the network data being accessible to any means equipped with a space vacancy notification system. Applicant has not claimed, nor examiner considered, any specific public network accessibility.

d. Schmitt et al. disclose the space vacancy notification system being in communication with a data distribution network (col. 4, lines 49-64).

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication should be directed to Examiner



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Tai T. Nguyen at telephone number (703) 308-0160. The examiner can normally be reached on Monday-Friday, 7:00am-5:00pm.

If attempt to reach the examiner by telephone is unsuccessful, the examiner's acting supervisor, Daniel J. Wu, can be reached on (703) 308-6730.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-8576, Mon-Fri, 8:30am-5:00pm.

Examiner: Tai T. Nguyen

Date: January 4, 2003

  
DANIEL J. WU  
PRIMARY EXAMINER  
1/11/03